



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)  
09w 02-02

Jeffrey K. Emery  
51 Merner Avenue  
Nepean, ON K2J 3Z3  
CANADA

**COPY MAILED**

**AUG 21 2002**

**OFFICE OF PETITIONS**

In re Application of  
Marsh et al.  
Application No. 10/017,413  
Filed: 18 December, 2001  
For:METHODS FOR EQUALIZATION OF A DWDM SYSTEM

Dear Mr. Emery:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

SMART & BIGGAR  
P.O. BOX 2999, STATION D  
55 METCALFE STREET, SUITE 900  
OTTAWA, ON K1P 5Y6  
CANADA



Paper No. 4

SMART & BIGGAR  
P.O. BOX 2999, STATION D  
55 METCALFE STREET, SUITE 900  
OTTAWA, ON K1P 5Y6  
CANADA

**COPY MAILED**

**AUG 21 2002**

**OFFICE OF PETITIONS**

In re Application of :  
Marsh, Gobeil, and Emery :  
Application No. 10/017,413 : DECISION ACCORDING STATUS  
Filed: 18 December, 2001 : UNDER 37 CFR 1.47(a)  
Attorney Docket No. 71493-973 /pw :

This is in response to the petition filed under 37 CFR 1.47(a) on 19 June, 2002.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Jeffrey K. Emery, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established that a copy of the above-identified application was sent to the non-signing inventor's last known address. However, the non-signing inventor has failed to sign and return the declaration naming him as a joint inventor along with Paul William Marsh and Gerard Gobiell.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The surcharge of \$130.00 and one (1) month time extension fee of \$110.00 will be charged to counsel's deposit account, No. 19-2550.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy